

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85533 of 2019

Arising Out of PS. Case No.-231 Year-2018 Thana- SINGHESHWAR District- Madhepura

1. Usha Devi, W/o Tarni Mandal, Resident of Village - Sukhasan Ward No. 03, P.S.- Singeshwar, Dist. - Madhepura.
2. Sunita Devi @ Punita Devi, W/O Manoj Mandal @ Manoj Kumar Kamat, Resident of Village - Sukhasan Ward No. 03, P.S.- Singeshwar, Dist. - Madhepura.
3. Poonam Devi @ Rupa Kumari @ Rupa Devi, W/o Badri Mandal @ Badri Kumar, Resident of Village - Sukhasan Ward No. 03, P.S.- Singeshwar, Dist. - Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Singheshwar P.S. Case No.231 of 2018, for the offence
punishable under Sections 302 and 34 of the Indian Penal Code.

The allegation against the petitioners is that the
petitioners have killed the mother of the informant by pressing
her neck.

Mr. Neeraj Kumar, learned counsel appearing for the
petitioners submits that the petitioners have falsely been
implicated in this case due to the land dispute between the



parties inasmuch as title suit bearing Title Suit No.188 of 2016 is pending between the parties. Learned counsel further submits that by Annexure-3, the police has submitted final form not sending the petitioners for trial, however, the learned Magistrate has differed with the police report and has taken cognizance against the petitioners under Section 302 of the I.P.C. Learned counsel for the petitioners relying upon post-mortem report submits that the allegation against the petitioners is not corroborated with the post-mortem report inasmuch as the allegation against the petitioners is that they have pressed the neck of the deceased whereas the cause of death in the post-mortem report is that deceased has died due to compression of chest caused by hard and blunt substance.

Mr. Shayam Bihari Singh, learned counsel appearing for the State vehemently opposes the prayer for anticipatory bail and submits that the learned Magistrate has taken cognizance under Section 302 of the I.P.C. against the petitioners after differing with the final report submitted by the police.

After having heard learned counsel for the parties and taking into consideration the fact that final report has been submitted by the police after investigation and the allegation against the petitioners is not corroborated with the post-mortem



report, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Singheshwar P.S. Case No.231 of 2018, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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